

**MOTOROLA**

## FAX TRANSMITTAL SHEET

Motorola, Inc.  
Intellectual Property Section  
Law Department  
1303 E. Algonquin Rd.  
Schaumburg, IL 60196

Telephone: (847) 538-2725

Facsimile: (847) 576-3750

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DEC 29 2005

9

 Number of Pages (including this page)

**Date:** December 29, 2005

**To:** Examiner Wozniak, James S. - Group 2655

**Location:** United States Patent and Trademark Office

**Fax No.:** 571-273-8300

**From:** Jeffrey K. Jacobs (Registration No. 44,798)

**Subject:** Serial No. 09/767,522 - Lee M. Proctor

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**MESSAGE:**

Enclosed herewith, please find a AFTER FINAL RESPONSE Office Action for filing in the below-identified application.

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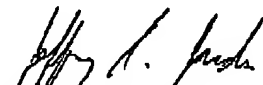
EXAMINER:	Wozniak, James S.
GROUP ART UNIT:	2655
SERIAL NO.:	09/767,522
FILED:	January 23, 2001
INVENTOR:	Lee M. Proctor
ATTORNEY DOCKET NO.:	CE08569R

PTO/SB/21 (08-00)

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/767,522
	Filing Date	January 23, 2001
	First Named Inventor	Lee M. Proctor
	Group Art Unit	2655
	Examiner Name	Wozniak, James S.
Total Number of Pages in this Submission	Attorney Docket Number	CE08569R

ENCLOSURES		(check all that apply)
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input type="checkbox"/> Copy of Notice to File Missing Parts <input type="checkbox"/> Transmittal of Formal Drawings <input type="checkbox"/> Response to Notice of Non- Recordation of Document
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual	Jeffrey K. Jacobs	Registration No.	44,798
Signature			
Date	December 29, 2005		

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO to facsimile number 571-273-8300 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:

Typed or printed name Nanette Orr Jeffrey K. Jacobs

Signature		Date	December 29, 2005
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<b>FEE TRANSMITTAL</b>		<b>Complete if Known</b>																																																																																																																																																																																		
<p>Patent fees are subject to annual revision</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		Application Number	09/767,522																																																																																																																																																																																	
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<p><input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None</p> <p><input checked="" type="checkbox"/> Deposit Account:</p> <p>Deposit Account Number <b>502117</b></p> <p>Deposit Account Name <b>Motorola, Inc.</b></p> <p>The Director is authorized to: (check all that apply)</p> <p><input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments</p> <p><input type="checkbox"/> Charge any additional fee(s) during the pendency of this application</p> <p><input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.</p>		<p><b>3. ADDITIONAL FEES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Large Entity</th><th>Small Entity</th><th>Fee Description</th></tr><tr><th>Code</th><th>Fee (\$)</th><th>Code</th><th>Fee (\$)</th><th></th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late Provisional filing</td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td></tr><tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for or pending Reexamination</td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr><tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>65</td><td>Extension for reply within first month</td></tr><tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td></tr><tr><td>1253</td><td>650</td><td>2253</td><td>475</td><td>Extension for reply within third month</td></tr><tr><td>1254</td><td>1480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td></tr><tr><td>1255</td><td>2010</td><td>2255</td><td>1005</td><td>Extension for reply within fifth month</td></tr><tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td></tr><tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td></tr><tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td></tr><tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to Institute a public use proceeding</td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td></tr><tr><td>1453</td><td>1330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td></tr><tr><td>1501</td><td>1330</td><td>2501</td><td>665</td><td>Utility issue fee (or rehear)</td></tr><tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td></tr><tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td></tr><tr><td>1480</td><td>130</td><td>1480</td><td>130</td><td>Petitions to the Commissioner</td></tr><tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37-CFR 1.17(c)</td></tr><tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of IDS</td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr><tr><td>1809</td><td>770</td><td>2808</td><td>385</td><td>Filing a submission after final rejection (37-CFR § 1.129(a))</td></tr><tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37-CFR § 1.129(b))</td></tr><tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr><tr><td colspan="5">Other fee (specify) _____</td></tr><tr><td colspan="5" style="text-align: right;"><b>SUBTOTAL (3) (\$)</b> _____</td></tr><tr><td colspan="5" style="text-align: center;"><b>Complete (if applicable)</b></td></tr><tr><td colspan="2">Name (Print/Type)</td><td>Registration No.</td><td>44,798</td><td>Telephone</td><td>847/576-5582</td></tr><tr><td colspan="2">Signature</td><td colspan="2">Date</td><td colspan="2">December 29, 2005</td></tr></tbody></table>		Large Entity	Small Entity	Large Entity	Small Entity	Fee Description	Code	Fee (\$)	Code	Fee (\$)		1051	130	2051	65	Surcharge - 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**AFTER FINAL**  
**EXPEDITED PROCEDURE**

I hereby certify that this correspondence is being transmitted via facsimile  
to the Assistant Commissioner for Patents at (571) 273-8300  
(Attention: Examiner Wozniak)  
on December 28, 2005.

Jeffrey L. Proctor 12/28/05  
Signature date

- PATENT -

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	Proctor et al.	EXAMINER:	Wozniak, James S
SERIAL NO.:	09/767,522	GROUP:	2655
FILED:	01/23/2001	CASE NO.:	CE08569R
ENTITLED:	METHOD AND APPARATUS FOR REDUCING RATE DETERMINATION ERRORS AND THEIR ARTIFACTS		

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Motorola, Inc.  
Corporate Offices  
1303 E. Algonquin Road  
Schaumburg, IL 60196  
December 29, 2005

**RESPONSE AFTER FINAL REJECTION**

Honorable Assistant Commissioner of  
Patents and Trademarks  
Alexandria, VA 22313-1450

Sir:

In view of the issues raised in the office action mailed November 21, 2005, the following response is hereby respectfully submitted by the applicants. Reconsideration of any outstanding objections and/or rejections and allowance of the present application are respectfully requested.